

From the Upper Chamber



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Report for Tuesday, March 11, 2008

The thirtieth day of the 2008 legislative session was called to order by Lieutenant Governor **Casey Cagle**.

Senator **Don Balfour** of the 9th stated that the journal had been read and was found to be correct.

Senate Bills 553 and 554, Senate Resolution 1113, House Bills 189, 302, 367, 447, 637, 641, 673, 831, 993, 1000, 1024, 1098, 1100, 1104, 1163, 1168, 1178, 1184, 1193, 1211, 1217, 1221, 1243, 1280, 1286, 1368 and 1374 and House Resolution 1276 were read for the first time and assigned to committees. The clerk then read the reports of standing committees and second readers.

After the morning roll call, Sen. **Preston Smith** of the 52nd led the Senate in the Pledge of Allegiance. He then introduced the *Chaplain of the Day*, Pastor **Jarrold Roberts** of West Rome Baptist Church, who led the Senate in the daily devotional.

The clerk read SR 794, which recognizes Chief **Roy Franklin Hooper, Jr.** as Police Chief of the Year.

The clerk read SR 795, which commends and recognizes Sheriff **Steve Cronic** as Sheriff of the Year. Sen. **Lee Hawkins** of the 49th took the rostrum to speak to the resolutions.

The Senate Consent Calendar for Privileged Resolutions, consisting of SR 1100-1112 and 1114-1117, was unanimously adopted.

The Senate Local Consent Calendar, consisting of HB 869 and 1025 and Senate Bill 544, was adopted by a vote of 54 to 0.

The clerk read SR 861, which recognizes the exemplary service of Mr. **Grover M. Barfield** and commends him on his service to his community and the state as Coroner of the

Year. Senators **Gloria Butler** of the 55th and **George Hooks** of the 14th took the rostrum to speak to the resolution.

Sen. **Smith** took the rostrum to recognize the Child Fatality Review Panel of Rome, seated in the Senate gallery.

Sen. **Wiles** moved that the Senate Local Supplemental Consent Calendar (HB 817), be read and voted upon. There was no objection.

HB 817 passed by a vote 53 to 0.

Sen. **Wiles** moved for the immediate transmittal of HB 817 to the House of Representatives for consideration. There was no objection.

Sen. **Vincent Fort** of the 39th took the rostrum to introduce the *Doctor of the Day*, Dr. **Mark Rachal** of Atlanta.

The Senate Consent Calendar for Resolutions Expressing the Will of the Senate, consisting of SR 140, 706, 831, 842, 1010, 1011, 1047, 1052, 1056, 1060 and 1063, was adopted by a vote of 51 to 1.

Sen. **Balfour** moved to engross SB 451. The motion passed by a vote 32 to 6.

Sergeant-at-Arms **Lorenzo Wallace** escorted Sen. **John Douglas** of the 17th and his guests to the rostrum. Sen. **Douglas** took the rostrum to recognize members of the National Guard seated in the Senate Gallery.

The clerk read SB 196, which provides military scholarships for children of soldiers killed or disabled as a result of a combat wound.

Sen. **Kasim Reed** of the 35th took the well to present the bill.

Sen. **Wiles** took the well to present Amendment 1, which allows the children of parents in the military who were Georgia residents and a member of the Georgia National Guard or U.S. Armed Forces at the time of injury to be eligible for such a scholarship.

Sen. **Wiles** also presented Amendment 2, which restricts scholarship amounts to a maximum of \$2,000 per award year for four years.

Sen. **Reed** took the well to close the debate. He spoke in support of Amendment 1 and against Amendment 2. He also yielded to questions from Sen. **Wiles**.

Amendment 1 was unanimously adopted.

Amendment 2 failed by a vote 17 to 34.

SB 196 passed as amended by a vote of 51 to 0.

The clerk read SB 549, which establishes a three-level system of stroke centers. Sen. **Don Thomas** of the 54th took the well to present the Committee Substitute.

The Committee Substitute to SB 549 was unanimously adopted.

SB 549 passed by substitute by a vote of 53 to 0.

The clerk read SB 451, the *Protecting Georgia's Investment Act*, which requires boards administering public retirement funds to identify all companies doing investments in Iran.

Sen. **Balfour** of the 9th took the well to present the bill and amendments. Amendment 1 specifies that neither the retirement system nor any employee of the retirement system be held liable for a good faith omission in identifying a scrutinized company.

Amendment 2 removes small pension programs.

Amendment 3 changes the bill's sunset date to 2011.

Sen. **Judson Hill** of the 32nd took the well to speak in support of the bill and the amendments.

Sen. **David Adelman** of the 42nd took the well to urge the Senate to support the passage of SB 451.

Sen. **Bill Heath** of the 31st took the well to speak in support of the bill and emphasize that it is the legislature's duty to protect the investments of retirees.

Sen. **Nan Orrock** of the 36th took the well to speak against the bill and voice concerns of the Senate dictating foreign policy. She yielded to questions from Sens. **Adelman** and **Fort**.

President Pro Tempore **Eric Johnson** of the 1st took the gavel to preside over the Senate.

Sen. **Balfour** took the well to close the debate and urge the support of the bill and the amendments. He yielded to questions from Sens. **Heath**, **Fort**, **Jack Murphy** of the 27th, **Reed**, **Douglas** and **Adelman**.

Amendment 1 was unanimously adopted.

Amendment 2 was unanimously adopted.

Amendment 3 was unanimously adopted.

SB 451 passed as amended by a vote of 45 to 6.

The Senate recessed for lunch and returned at 12:45 p.m.

The clerk read SB 445, which allows the General Assembly to take action on rules and regulations of state agencies.

Sen. **Mitch Seabaugh** of the 28th took the well to present the bill and yielded to questions from Sen. **Steve Thompson** of the 33rd.

The Committee Substitute to SB 445 was unanimously adopted.

SB 445 passed by substitute by a vote of 36 to 4.

The clerk read SB 535, which requires that if a school system loses its accreditation, a special election may be held to elect a new school board.

Sen. **Ronnie Chance** of the 16th took the well to present the bill.

SB 535 passed by a vote of 43 to 3.

Sen. **Hooks** took the gavel to preside over the Senate.

The clerk read SR 1030, which creates the Joint Electronic Records, Signatures, Filing and Recording Study Committee.

Sen. **Smith** took the well to present the resolution.

SR 1030 was adopted by a vote of 52 to 0.

The clerk read SB 523, which extends the capital outlay program for another year.

Sen. **Dan Moody** of the 56th took the well to present the bill.

SB 523 passed by a vote of 51 to 0.

The clerk read SB 526, which allows for the assignment of lottery winnings.

Sen. **Seth Harp** of the 29th took the well to present the bill.

SB 526 passed by a vote of 52 to 0.

Lt. Gov. **Cagle** took the gavel to preside over the Senate.

Sen. **Seabaugh** asked that SB 542 be moved to follow SB 413 on the calendar. There was no objection.

The clerk read SB 305, which extends protection to corporations that provide assistance in disasters.

Sen. **David Shafer** of the 28th took the well to present the bill.

The Committee Substitute to SB 305 was unanimously adopted.

SB 305 passed by substitute by a vote of 52 to 0.

The clerk read SR 1055, which provides for several road dedications throughout the state.

Sen. **Jeff Mullis** of the 53rd took the well to introduce the resolution and encourage support of the amendments. He yielded to questions from Senators **Smith** and **Hooks**.

Majority Leader **Tommie Williams** of the 19th took the well to present Amendment 1, which provides for an additional road dedication.

Sen. **Thompson** of the 33rd took the well to present Amendment 2, which also provides for an additional road dedication. He yielded to questions from Sen. **Smith**.

Amendment 1 was unanimously adopted.

Amendment 2 was unanimously adopted.

The Committee Substitute to SR 1055 was unanimously adopted as amended.

SR 1055 was adopted by substitute by a vote of 52 to 0.

The clerk read SB 519, which requires a notice letter of foreclosure to be sent before an advertisement is published.

Sen. **Bill Hamrick** of the 30th took the well to present the bill. He yielded to questions from Sen. **Thompson** of the 33rd.

The Committee Substitute to SB 519 was unanimously adopted.

SB 519 passed by substitute by a vote of 53 to 0.

HB 1382, 1385, 1387-1389, 1035, 1310, 1425, 652, 864, 1283, 1348, 535, 1235 and 1321 were read for the first time and assigned to committees.

The clerk read SB 461, which requires every local board of education to have a policy regarding bullying in school.

Sen. **Chip Rogers** of the 21st took the well to present the bill.

The Committee Substitute to SB 461 was unanimously adopted.

SB 461 passed by substitute by a vote of 52 to 0.

The clerk read SB 539, which exempts continuing care retirement communities from Certificate of Need (CON) requirements.

Sen. **Thomas** of the 54th took the well to present the bill.

The Committee Substitute to SB 539 was unanimously adopted.

SB 539 passed by substitute by a vote of 52 to 1.

The clerk read SB 327, which sets forth procedures for any future divestment legislation that affects the Georgia State Employee Savings Plan.

Sen. **Heath** took the well to present the bill and yielded to questions from Sens. **Robert Brown** of the 26th and **Thompson** of the 33rd.

The Committee Substitute to SB 327 was unanimously adopted.

SB 327 passed by substitute by a vote of 30 to 23.

Sen. **Nan Orrock** of the 36th moved to reconsider SB 327. The motion failed by a vote of 27 to 27.

The clerk read SB 328, which seeks to attract state employees by increasing benefits and contributions to retirement plans.

Sen. **Heath** took the well to present the bill and Amendment 2, which states that public safety employees remain under the same provisions and provides for further clarifications. He also discouraged adoption of Amendment 1, which states that extra funds within the state's group term life insurance cannot be transferred for a year in order to provide time for further study of what to do with the funds. He yielded to questions from Sens. **Chip Pearson** of the 51st, **Jack Murphy** of the 27th, **Orrock** and **Thompson** of the 33rd.

Sen. **Johnson** took the gavel to preside over the Senate.

Sen. **Seabaugh** took the well to present Amendment 1 and emphasize that it has no fiscal impact on the bill.

Amendment 1 was adopted by a vote of 26 to 11.

Amendment 2 was unanimously adopted.

The Committee Substitute to SB 328 was unanimously adopted as amended.

SB 328 passed by substitute by a vote of 37 to 15.

The clerk read SB 460, which changes provisions relating to how dues are collected for the Superior Court Clerks' Retirement Fund.

Sen. **Heath** took the well to present the bill.

Sen. **Williams** took the gavel to preside over the Senate.

SB 460 passed by a vote of 53 to 0.

The clerk read SB 413, which clarifies provisions regarding the regulations of the Boxing Commission.

Sen. **Johnson** took the well to present the bill and Amendment 1, which corrects drafting errors in the legislation. He yielded to questions from Sens. **Seabaugh**, **Thompson** of the 33rd and **Mullis**.

Amendment 1 was unanimously adopted.

The Committee Substitute to SB 413 was unanimously adopted as amended.

SB 413 passed by substitute by a vote of 49 to 6.

Sen. **Heath** moved to table SB 542. There was no objection.

The clerk read SB 547, which adds a surcharge for motor vehicle and boating violations that will be used to fund the Brain and Spinal Injury Trust Fund.

Sen. **Chance** took the well to present the bill and SR 1074, the bill's companion Constitutional Amendment. He yielded to questions from Sen. **Wiles**.

Lt. Gov. **Cagle** took the gavel to preside over the Senate.

The Committee Substitute to SB 547 was unanimously adopted.

SB 547 passed by a vote of 53 to 2.

The clerk read SR 1074, which creates a Constitutional Amendment to appropriate the additional revenue created by SB 547 to the Brain and Spinal Injury Trust Fund.

Sen. **Chance** took the well to present the bill.

The Committee Substitute to SR 1074 was unanimously adopted.

SR 1074 was adopted by substitute by a vote of 51 to 3.

The clerk read SB 36, which allows the Georgia Peace Officers Standards and Training Council to provide a salary increase to certain officers.

Sen. **Regina Thomas** of the 2nd took the well to present the bill.

SB 36 passed by a vote of 54 to 0.

The clerk read SB 480, which allows colleges that have lost accreditation to still receive the HOPE Scholarship while they are reapplying for accreditation.

Sen. **Williams** took the well to present the bill.

The Committee Substitute to SB 480 was unanimously adopted.

SB 480 passed by substitute by a vote of 52 to 0.

The clerk read SR 1148, which outlines the future upcoming schedule of the Senate.

Sen. **Williams** took the well to discuss the schedule.

SR 1148 was unanimously adopted.

The clerk read SB 548, which increases penalties for state employees using a government purchase card, or P-card, for personal use.

Sen. **Seabaugh** took the well to present the bill.

SB 548 passed by a vote of 53 to 0.

The clerk read SB 529, which increases penalties for drivers involved in a hit and run vehicular or boating accident that results in the death of another.

Sen. **Grant** took the well to present the bill.

SB 529 passed by a vote of 52 to 0.

The clerk read SB 537, which establishes the Office of the State Inspector General.

Sen. **Rogers** took the well to present the bill.

SB 537 passed by a vote of 51 to 0.

The clerk read SB 503, which prevents public hospitals from entering into sealed agreements with federally or state protected whistleblowers. He yielded to questions from Sens. **Smith** and **Adelman**.

Sen. **Shafer** took the well to present the bill.

SB 503 passed by a vote of 53 to 0.

Sen. **Johnson** moved to place SR 515 and SB 517 and on the Rules Calendar. There was no objection.

The clerk read SR 721, which reinforces that the courts cannot order the General Assembly to appropriate funds.

Sen. **Rogers** took the well to present the resolution and yielded to questions from Sens. **Carter** and **Shafer**.

Sen. **Brown** took the well to speak against the bill.

Sen. **Rogers** took the well to close the debate.

The Committee Substitute to SR 721 was unanimously adopted.

SR 721 was adopted by substitute by a vote of 32 to 23.

The clerk read SB 163, which states that tax commissioners are not eligible for membership to the Employees' Retirement System of Georgia.

Sen. **Heath** took the well to present the bill.

The Committee Substitute to SB 163 was unanimously adopted.

SB 163 passed by substitute by a vote of 54 to 1.

The clerk read SR 515, which allows a county or municipality to give property tax breaks to teachers, firefighters and law enforcement officers.

Sen. **Reed** took the well to present the resolution. He yielded to questions from Sens. **Adelman** and **Ross Tolleson** of the 20th.

Sen. **Rogers** took the well to present Amendment 2, which strikes the tax exemption cap and allows local government to determine the amount of exemption they will grant.

Sen. **Johnson** took the gavel to preside over the Senate.

Sen. **Greg Goggans** of the 7th took the well to speak in support of Amendment 2. He yielded to questions from Sens. **Seabaugh**, **Thompson** of the 33rd, **Grant**, **Tolleson**, **Smith**, **Shafer** and **Reed**.

Sen. **Rogers** took the well to again address Amendment 2 and yielded to questions from Sen. **Smith**.

The clerk read Amendment 3, which includes widowed spouses to those who can receive these tax exemptions.

Sen. **Emanuel Jones** of the 10th took the well to present Amendment 3. He yielded to questions from Sen. **Grant**.

Sen. **Harp** took the well to speak against the bill and amendments. He yielded to questions from Sen. **Renee Unterman** of the 45th.

Sen. **Thompson** of the 33rd took the well to speak against the amendments.

Sen. **Reed** took the well to close the debate.

The clerk read Amendment 1a and Amendment 3a to Amendment 3.

Sen. **Jones** moved to withdraw Amendments 3 and 3a. There was no objection.

Sen. **Reed** took the well to yield to questions from Sen. **Pearson**.

Sen. **Smith** took the well to present Amendment 1a, which includes members of the press in the provisions of the bill. He then immediately withdrew the amendment.

Amendment 2 was adopted by a vote of 26 to 14.

Sen. **Wiles** moved to change the title of the bill. There was no objection.

The Committee Substitute to SR 515 was adopted as amended by a vote of 40 to 2.

SR 515 was adopted by substitute by a vote of 51 to 2.

HB 957, 1046, 1093, 1328, 470, 905, 964, 1227, 92, 1071, 1196, 1234 and 1300 were read for the first time and assigned to committees.

The clerk read SB 517, which allows disabled business owners to purchase a disability license plate.

Sen. **Hill** of the 32nd took the well to speak to the bill.

Amendment 1, which states that an employee who leaves the company within 60 days must return the plate, was unanimously adopted.

SB 517 passed as amended by a vote of 51 to 0.

The clerk read SB 531, which requires the homeowner to conduct the foreclosure of their property.

Sen. **Hamrick** took the well to present the bill and yielded to questions from Sen. **Jones**.

SB 531 passed by a vote of 52 to 0.

Sen. **John Douglas** of the 17th asked to move SB 335 to the foot of the calendar. There was no objection.

The clerk read SB 259, which sets the standard for receiving a “no knock” warrant at probable cause.

Sen. **Vincent Fort** of the 39th took the well to present the bill.

Sen. **Harp** took the well to speak in support of the bill.

Sen. **Wiles** took the well to speak against the bill.

Sen. **Douglas** took the well to speak against the bill.

The Committee Substitute to SB 259 was unanimously adopted.

SB 259 passed by substitute by a vote of 44 to 8.

The clerk read SR 809, which urges Congress to change the names of “seat belt” and “air bag” to “life belt” and “life bag.”

Sen. **Jones** took the well to present the bill.

SR 809 failed by a vote of 28 to 22.

The clerk read SB 507, which establishes requirements for therapy services for children with disabilities.

Sen. **Moody** took the well to present the bill.

Amendment 1 was unanimously adopted.

The Committee Substitute to SB 507 was unanimously adopted as amended.

SB 507 passed by substitute by a vote of 53 to 0.

Sen. **Williams** moved that the Senate stand in recess until 12:00 a.m., then adjourn until 10:00 a.m. on Wednesday, March 12.

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